

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

Defendants.

No. 05 Cr. 621 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Clerk of the Court is respectfully directed to docket the attached letter.

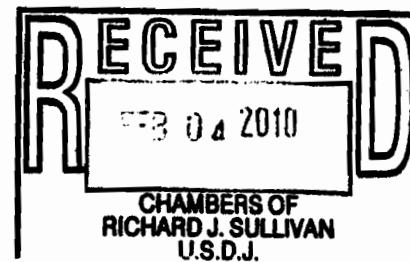
The parties are reminded that, pursuant to the Court's individual sentencing procedures, the Government is responsible for filing all letters from victims, and the Defendants are responsible for filing all letters submitted on their own behalf.

Dated: February 4, 2010
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

Hon. Richard J. Sullivan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Alberto Vilar

Dear Judge Sullivan,

I am writing this letter of support to provide a view of three different aspects of my relationship with Alberto W. Vilar which I hope provides more insight to his character, business professionalism and positive role model.

I first met Alberto in the early 1980's while I was employed by Bear Stearns & Co. as a Senior Vice President in the Los Angeles office. This was the period in which Amerindo was created. I was introduced to Alberto by my senior management in the New York City headquarters. I conducted a due diligence investigation of Amerindo for Bear Stearns. Every avenue of search I conducted presented a positive history of Alberto Vilar. Everything I found presented the highest caliber individual. I then felt comfortable to present Amerindo to my clients and relationships that I had cultivated over many years. I started slow and to smaller accounts so as to watch Alberto present their story and to see if he fulfilled every promise and made each step solidly. I can confidently say that every person and institution I introduced to Alberto came away with the same conclusion. That Alberto not only knew his market but delivered in every aspect of what he was responsible to do and kept his word when a promise was made. He never made false promises on performance and it even seemed he was trying to talk the institutions out of hiring Amerindo. This was because of the high risk level of his market and investment strategy. Because of this I felt comfortable and confident in introducing Alberto to State Governors, State, County and City Treasurers. Even the Ambassador to the Vatican felt comfortable to introduce Alberto to the Vatican Bank. Every institutional account he won had no problem with any aspect of the management of their account. If there had been a problem I would have been the first to know. This was true also because the stock trades were processed through me at both Bear Stearns and Smith Barney. Even the traders had all positive comments on the professional way the trades were placed and executed. The responsibility of the managing of Amerindo was divided strictly. Gary ran all portfolio management, trading and back office. Alberto managed the marketing and client service for the company. I worked with both sides and one side really didn't know what the other was doing. Each defended their 'turf' aggressively. An example of this would be that my compensation for accounts I had assisted in them winning was by directed commissions. Gary would call me to open an account and then either buy or sell a specific company stock. I had to call Alberto to tell him when a trade was executed through me so he knew I was receiving my compensation. Even the transferring of securities and/or the wiring of money was not known by Alberto. I don't think he even knew how to do either of these actions. If I didn't call to tell Alberto of the trade he would never have known.

An example of Alberto's strong business character was when he was called by the broker of a firm in the city who had hired Amerindo to manage their assets. This broker informed Alberto that he had to direct trades through him as a cost of winning the account. This is not only illegal but is professionally wrong. Alberto called me immediately and I made the appropriate calls to the Pension Board member named in the call and asked that this broker be spoken to. Alberto refused to bend to the demands and would have refused the account if it meant breaking his professional and personal principles. Unfortunately this situation happened frequently and I would receive the calls from Alberto and would have to handle the situation.


Alberto's personal impact on me was made by watching how he both presented his business and the professional way he conducted himself in business and life. It is these and many other many other experiences that caused me to label him a mentor and trusted confidant. In the Hispanic community it became common for those who became successful to forget their community and sometimes deny their cultural roots but Alberto never forgot us and worked to being a positive role model to our community. Alberto has received wide criticism and abuse on having his name plastered everywhere when he made a contribution to the Arts and Science institutions. He explained to me that he wanted to be an example to not only other Hispanics who became successful and/or wealthy but to all the successful to give back to whatever their passion is. It has only recently come to my attention that Alberto paid for the education of many young people. I didn't know of these because Alberto never boasted of his acts of kindness.

Therefore, Judge Sullivan, I am pleading to you to not sentence Alberto to a long sentence of incarceration so that Alberto can return to society and be a mentor to the youth of not only the Hispanic community but to all who dream of a successful life. Alberto has so much more work to do in this world and so much more to offer all of us. It is this exact act of love and kindness that he was working toward when he was arrested and I truly believe he should be allowed to continue his work. The world would be a better place with Alberto working in it than to be locked away from it.

I thank you for your time in reading my letter of support for my mentor and friend Alberto W. Vilar.

Warm regards,

Michael M. Sotomayor

A handwritten signature in cursive script that reads "Michael".